

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 09-CR-043-SPF
v.)	
)	
LINDSEY KENT SPRINGER,)	
OSCAR AMOS STILLEY,)	
)	
Defendants.)	

**MOTION TO UNSEAL COURT FILINGS RELATED
TO THE PETITION FOR COURT ORDER DIRECTING
WARRANT TO ISSUE FOR ARREST OF A MATERIAL WITNESS**

The United States of America, by and through its attorneys, Thomas Scott Woodward, Acting United States Attorney for the Northern District of Oklahoma, and Kenneth P. Snoke, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, respectfully requests that the court filings related to the United States' petition for a Court order directing a warrant to issue for the arrest of a material witness (doc. nos. 181, 182, 186, 202 and 203) be unsealed. This motion is properly before the Court. "Although filing [a] notice of appeal generally divests the district court of jurisdiction over the issues on appeal, *see Marrese v. American Academy of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985), the district

court retains jurisdiction over ‘collateral matters not involved in the appeal.’” *Lancaster v. Independent School District No. 5*, 149 F.3d 1228, 1237 (10th Cir. 1998), *citing Garcia v. Burlington Northern R. Co.*, 818 F.2d 713, 721 (10th Cir. 1987). Unsealing is proper based upon the following:

1. On October 7, 2009, in a sealed pleading made pursuant to 18 U.S.C. §3144, the United States petitioned the Court for an order directing the Clerk of this Court to issue a warrant for the arrest of a material witness who had previously been personally served with a subpoena to appear on October 26, 2009, to provide testimony in the case of *United States v. Lindsey Kent Springer and Oscar Amos Stilley*, 09-CR-043-SPF. Doc. nos. 181 and 182.

2. In a sealed order dated October 8, 2009, the Court granted the United States motion for the issuance of the material witness warrant. Doc. 186.

3. On October 20, 2009, the Court granted the United States *ex parte* motion for partial unsealing in order to provide the material witness and his counsel with the sealed materials. Doc. nos. 202 and 203.

4. The United States’ motion and Court’s order were sealed because of indications that the material witness would not honor a trial subpoena and would not appear to testify.

5. The reasons supporting the sealing of the petition, the related filings and the Court’s orders no longer exist.

6. None of the thirty-two issues raised on appeal identified in Defendant Springer’s Docketing Statement, filed with the Tenth Circuit on May 14, 2010 (Case: 10-5055, Document: 01018422493), relate to the material witness warrant.

WHEREFORE, the United States Attorney moves this Court to enter an order unsealing the petition for the material witness warrant, the Order granting the petition, and all filings related to the petition and order (doc. nos. 181, 182, 186, 202 and 203).

Respectfully submitted,

THOMAS SCOTT WOODWARD
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly
CHARLES A. O'REILLY, CBA NO. 160980
Special Assistant U.S. Attorney
KENNETH P. SNOKE, OBA NO. 8437
Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of May 2010, I served the foregoing document by United States Postal Mail, and electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing, to the following ECF registrants:

Lindsey Kent Springer
Defendant
c/o David L. Moss Criminal Justice Center
300 N. Denver Ave Tulsa, OK 74103
Inmate Number: 1189797

Oscar Amos Stilley
Defendant
c/o David L. Moss Criminal Justice Center
300 N. Denver Ave Tulsa, OK 74103
Inmate Number: 1189798.

I further certify that on the 28th day of May 2010, I served the foregoing document by United States Postal Mail on the attorney representing Defendant Springer on the appeal of this matter.

Jerold W. Barringer, Esq.
200 West Front
P.O. Box 213
Nokomis, IL 62075-0000.

/s Charles A. O'Reilly
Charles A. O'Reilly
Special Assistant United States Attorney